

THOMAS HOLDEN.

FEBRUARY 29, 1840.

Laid on the table.

Mr. GIDDINGS, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, to whom was committed the petition of Thomas Holden, report:

That the petition sets forth that the claimant furnished to Captain Keller's company of mounted volunteers, under General Hopkins, in the year 1812, two thousand weight of hay, worth \$10: that he also pastured twenty-five horses five days, which was worth 62½ cents per horse: that he received a certificate from Captain Keller for the articles furnished: that on the same day he furnished a quantity of corn to Captain Keller, and received a certificate therefor; which latter certificate was countersigned by General Hopkins, and was subsequently paid by the proper officer: that General Hopkins refused to countersign the first certificate, and he now applies for compensation for the articles furnished.

The claim was first presented and referred in December, 1835, but no report has ever been made thereon. The certificate of Captain Keller, on which the claim principally rests, is lost from the files. The fact, however, that the claimant furnished a quantity of hay, and pastured a number of horses, is sworn to by William Legerwood and B. McCutchen, whose affidavits accompany said petition. There is also a copy of the certificate in the letter of the Third Auditor, written in answer to certain interrogatories propounded to him by the committee.

By said copy, however, it appears that the certificate was for the hay only, and did not mention the pasturing of the horses. Inasmuch as the certificate makes no mention of the pasturing of the horses, that item may be laid out of view, as the presumption against that part of the claim is conclusive, from not being certified to by the officer who gave certificates for other articles furnished at the same time. The hay is therefore the only item demanding further notice. From the petition, it appears that General Hopkins was in command of the troops to whom the supplies were furnished. It also appears that he *rejected* the claim as not valid against Government. It is true that the reasons assigned by General Hopkins, as stated by petitioner, would not appear sufficient for rejecting the claim; but there is no *proof* of the reasons having been assigned. He was the proper officer to allow or reject the claim. If the claim were well established by proof, the committee would, on application at a proper period, have allowed it. But the rejection by the proper officer furnishes a strong presumption against it;

and when such presumption is strengthened by twenty-five years delay of the claimant in presenting the claim, the committee think it becomes too strong to be rebutted by the proof furnished in this case. They therefore recommend to the House, for adoption, the following resolution:

Resolved, That the petitioner is not entitled to relief.

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